



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PATENT EXAMINING OPERATION

Applicants:

Y. Ohara et al.

Serial No.:

10/532,749. Confirmation-No: 9204

Filed:

04/26/2005

For:

CUSHIONING MEMBER AND METHOD OF MANUFACTURING

1000

THE SAME

Examiner:

Bradley T. King

Art Unit: 3683

Atty. Docket: TSCULB-001US

RESPONSE TO ACTION OF 4/10/2007

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The requirements for Restriction and Election of species are respectfully traversed, and their withdrawal is requested.

In formal compliance Claims 1-17 (Group I) are elected.

The species of FIG. 1 is elected.

Claims 1-7 and 15-21 read on species of FIG. 1.

Claims 8, 9, 11, 13, and 14 read on species of FIG. 9

Claims 8, 10, 11, 12, 13, and 14 read on species of FIG. 12.

The reasons for traversal are as follows:

- The Examiner has not made the showing required by MPEP 808.02 and has therefore not satisfied the applicable burden on the Examiner in order to make a lack of unity or restriction requirement.
- (2) The Examiner's restriction and species election requirements are inconsistent with, overruled by, the Action of the PCT Examining Authority in the Parent International Application No. PCT/US03/34393, which did not find any lack of unity.
- The claims are linked by the common limitation, in which the cut is partially (3) through the pile intermediate portion.
- As to Claims 1-17, it is immaterial that some of them cover different (4) embodiments in that the claims are in varying degrees of specificity. An election of species requirement is not in order and is never proper for claims of varying specificity.

(5) The claims are so closely related that additional effort will not be required for examination of different claims, for example different classifications, to justify an election or restriction requirement.

Respectfully submitted,

Dated: May 10 , 2007

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